IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :18000 of 2003

DATED: 31.8.2006

Between:

Wyeth Limited petitioner

And

The presiding Officer,
Industrial Tribunal cum Labour Court,
Visakapatnam and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 18000 of 2003

ORAL ORDER:

This writ petition is filed questioning the orders dated 16-7-2003 in I.A. No. 184 of 2003 in I.D. No. 145 of 2000 passed by the Industrial Tribunal cum Labour Court, Visakapatnam dismissing the application filed under Order IX Rule 7 of Civil Procedure Code to set aside the ex-parte order dated 8.7.2003.

The petitioner herein is a limited company, incorporated under the Companies Act, 1956. The petitioner was set ex-parte by order dated 8.7.2003. There after, the petitioner filed an application to set aside the ex-parte order and the Tribunal on consideration of the matter, dismissed the said application observing that the petitioner management has no likelihood of succeeding in the main I.D and it goes without saying that chances of success of the management are not fair. Questioning the said order, the present writ petition is filed.

Learned counsel for petitioner submitted that the petitioner could not place before the Labour Court crucial evidence to prove the guilt of the workman-second respondent and the Labour Court erred in dismissing the application and made certain uncalled for observations. It is further stated that instead of dismissing the application on technical grounds, the Labour Court ought to have given opportunity to the petitioner management to place its evidence on record and ought to have proceeded in the matter to avoid multiplicity of litigation. Hence, interference of this Court is sought for and prayed to set aside the impugned order and to remand the matter back to the Labour Court.

Learned counsel for second respondent though supported the impugned order dated 16-7-2003, has expressed “no objection” for remanding the matter for disposal on merits.

Heard the learned counsel for petitioner and learned counsel for second respondent and perused the impugned order.

The petitioner herein contends that the crucial evidence as against the second respondent could not be adduced inasmuch as the witness on behalf of the petitioner-management i.e., M.W.1 has left the company. In such circumstances, the Labour Court instead of dismissing the application and recording certain observations as regards the case of the petitioner, ought to have given opportunity to the petitioner management to adduce its evidence and ought to have disposed of the matter on merits.

Having regard to the facts and circumstances the impugned order dated 16-7-2003 is set aside and the matter is remanded back to the Industrial Tribunal cum Labour Court, Visakapatnam. The Labour Court is directed to fix a time schedule and after affording reasonable opportunity to the parties, expeditiously dispose of the matter, preferably within a period of two months from the date of receipt of copy of this order.

Both, the petitioner and second respondent are directed to cooperate with the Labour Court for expeditious disposal of the matter.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 31.8.2006

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THE HON'BLE MR JUSTICE N.V. RAMANA

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